

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CHRISTINE L. BRANDON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:19-cv-905

JUDGE DOUGLAS R. COLE

Magistrate Judge Litkovitz

**ORDER**

This action is before the Court on the Magistrate Judge's Report and Recommendation ("R&R") that recommends the parties' Joint Motion to Remand (Doc. 16) be granted and that this case be remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g) ("The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing."). (See R&R, Doc. 17, #951). The R&R was filed on April 22, 2020, and the time to file objections has passed.

The R&R advised the parties that a failure to object within the 14 days specified by the R&R may result in forfeiture of rights on appeal, including the right to District Court review (see R&R at #952). See *Thomas v. Arn*, 474 U.S. 140, 149–53 (1985) ("There is no indication that Congress, in enacting § 636(b)(1)(C), intended to require a district judge to review a magistrate's report to which no objections are filed."); *Berkshire v. Beauvais*, 928 F.3d 520, 530–31 (6th Cir. 2019) (noting "*fail[ure]*

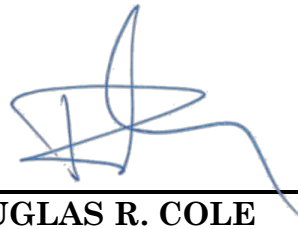
*to file* an objection to the magistrate judge's R&R ... is forfeiture, not waiver") (emphasis original); 28 U.S.C. § 636(b)(1)(C). The time for objections has passed and none have been filed.

Therefore, the Court **ADOPTS** the Report and Recommendation (Doc. 19), **GRANTS** the Joint Motion (Doc. 16), and **REMANDS** this case to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g). The Court further **DIRECTS** the Clerk to enter judgment accordingly.

**SO ORDERED.**

July 10, 2020

**DATE**



**DOUGLAS R. COLE**

**UNITED STATES DISTRICT JUDGE**